

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KEY SOURCE INTERNATIONAL INC.,
a California corporation,

Plaintiff,

No. C 09-02389 WHA

v.

APEX MARITIME SHIPPING COMPANY,
HARTFORD FIRE INSURANCE
COMPANY, and DOES 1 to 100, inclusive,

Defendants.

ORDER RE-OPENING CASE

Plaintiff filed a “notice of settlement of entire action” on February 22, 2010, noting only that the “action has been settled in its entirety.” On that basis, the Court dismissed the action. Now, plaintiff files an application to vacate the dismissal in this action because the case is not quite settled. The Court notes that prior to plaintiff’s “notice of settlement,” a motion to strike had been set for **MARCH 25, 2010, AT 8:00 A.M.**

The parties cannot have it both ways. Either a case is settled or it’s not. So, the dismissal is **VACATED**. The motion is back on calendar, with plaintiff’s opposition being due March 4 and defendant’s reply due March 11.

Please note that all deadlines remain active until a dismissal is filed. Plaintiff’s request for a “settlement status hearing 30–45 days out” is **DENIED**. **PLEASE DO NOT ASK FOR ANY CONTINUANCES.**

IT IS SO ORDERED.

Dated: February 23, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE